

Appln. of: BONATTI, Davide et al.
Appln. No.: 10/668,180

REMARKS

This responds to the first office action mailed September 17, 2004 in connection with the above identified patent application. Prior to entry of this amendment, claims 1-20 were pending in the application. By this amendment, claims 3, 4 and 17 have been cancelled and claims 1, 5, 7, 10, 12, 14 and 18 have been amended. Claims 1-2, 5-16 and 18-20 are pending.

In particular, it is to be noted that in amending independent claim 1 no new matter has been introduced, since it contains only limitations that were disclosed in the original specification.

In particular, amended claim 1 is supported as follows:

a transfer unit for containers, **rotatable about a vertical axis and [page 3 lines 20-21 of the description as filed]** comprising:

- **a vertical shaft extending upward from a bed concentrically with the vertical axis; [page 4 lines 10-13]**

-at least one set of means by which to take up and hold a relative container leaving a first conveyor positioned at a first height;

- **said holding means being associated with respective means, slidable vertically in relation to a frame, [original claim 3] which comprise a slide carrying said holding means; [page 4 line 26 and page 5 line 1 of the description as filed]**

-feed means by which the holding means are caused to advance along a predetermined path extending at least between the first conveyor and a second receiving conveyor positioned at a second height;

- **said feed means comprising said frame constructed and arranged to be set in motion along said predetermined path consisting of a closed loop; [original claim 3]**

- means operating in conjunction with the holding means, by which the height of the selfsame holding means is varied during the course of their passage along the predetermined path; wherein said means operating in conjunction with the holding means for varying the height of the holding means includes means by which to guide the movement of the slides

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comprising a tubular element that presents a C-shaped cross-sectional profile, a longitudinal opening and is centered on the vertical shaft. *[page 5 lines 16-21 of the description as filed]*

Claim Rejection - 35 U.S.C. 112

Claim 12 was rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 has been amended to overcome such rejection.

Claim Rejection - 35 U.S.C. 102

Claims 1-15 and 17-20 have been rejected under 35 U.S.C. 102(b) as being anticipated by Vierling, or DE '515 or FR '166.

To overcome such rejections, claim 1 has been amended as above reported.

In particular, the last portion of claim 1 as amended recites: "wherein said means operating in conjunction with the holding means for varying the height of the holding means includes means by which to guide the movement of the slides comprising a tubular element that presents a C-shaped cross-sectional profile, a longitudinal opening, and is centered on the vertical shaft."

This structure of the means by which to guide movement of the slides has definite advantages over the prior art, as noted in the present specification at page 9, line 22 through page 10, line 17:

Importantly, the transfer unit 5 according to the present invention presents the advantage of being readily adaptable to any size of container 2, since it allows a rapid replacement of the cylindrical tubular element 30 and sector 37. After an initial twisting movement serving to release it from the fastening means 32 rigidly associated with the shaft 11, the tubular element 30 can be removed with ease, thanks in particular to the C-shaped geometry described and illustrated, by inducing a sideways movement transverse to the axis 6 of the shaft 11.

Accordingly, to fit a new tubular element 30 with a first track 39 of

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different profile, the element is first translated radially into a position of coaxial alignment with the shaft 11. Thereafter, the tubular element 30 is shifted axially in such a manner that the internally projecting lugs 56 of a C-shaped sector 57 presented by the bottom of the tubular element 30 are caused to locate between the radial lugs 36 mentioned previously and register against the plate 34, thereby assuming the position illustrated in figure 6.

Amended independent claim 1 is new with respect to the cited prior art document by Vierling.

In fact, Vierling discloses a cam roller 113 mounted on a slide bracket 55. The cam roller follows a cam track 100 in order to vary the height of the holding means (see Fig. 1). The Vierling cam track 100 is circular and proceeds through high section 101, depression 102, sloping section 103, lower section 104 and rising section 105 (see Fig. 1 and col. 5, lines 15-26). Vierling's means by which to guide the movement of the slides, namely the cam track 100, do not include a tubular element that presents a C-shaped cross-sectional profile, a longitudinal opening and is centered on the vertical shaft.

Amended claim 1 is new also with respect to DE '515.

Indeed, DE '515 discloses that the means by which to guide the movement of the slides 3 are a circular guide ring 7 and rail 71. See Figs. 1 and 2 and the English abstract. The DE '515 reference's means by which to guide the movement of the slides, namely the guide ring 7 and rail 71, do not include a tubular element that presents a C-shaped cross-sectional profile, a longitudinal opening and is centered on the vertical shaft.

Amended claim 1 is new also with respect to FR '166.

This document shows that the means by which to guide the movement of the slides 15 are means of a swing drive, including a fixed circular cam 14 (see English abstract and Fig. 2). The FR '166 reference's means by which to guide the movement of the slides, namely the fixed circular cam 14, do not include a tubular element that presents a C-shaped cross-sectional profile, a longitudinal opening and is centered on the vertical shaft.

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Therefore, amended claim 1 is new with respect to the cited prior art documents, since none of Vierling, DE '515 or FR '166 disclose or suggest that the means operating in conjunction with the holding means for varying the height of the holding means include means by which to guide the movement of the slides comprising a tubular element that presents a C-shaped cross-sectional profile, a longitudinal opening and is centered on the vertical shaft.

In view of the foregoing, reconsideration and withdrawal of the above rejections is respectfully requested.

Since all the dependent claims depend directly and indirectly upon and contain all the limitations of patentable claim 1, they are felt to be patentable too for the reasons given above, as well as for the further limitations contained therein.

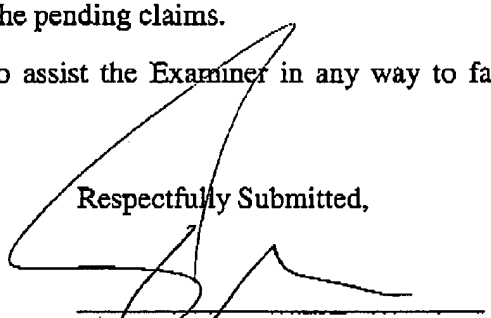
Conclusion

The prior art made of record but not applied by the Examiner has been carefully considered but is submitted to be less relevant than the references previously discussed.

All matters having been addressed above and in view of the pending claims and remarks, Applicant respectfully requests the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Applicants' counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this application.

Respectfully Submitted,



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